

**Enrolled Memorandum of the Meeting
Study Session/Meeting
Twenty-Eighth Town Council of Highland
Monday, September 16, 2019**

The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session on **Monday, September 16, 2019** at 6:34 O'clock P.M., in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Konnie Kuiper, Mark Herak and Steve Wagner were present. Dan Vassar was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. A quorum was attained.

Officials Present: Rhett L. Tauber, Town Attorney; and Kenneth J. Mika, Building Commissioner / Zoning Administrator was also present.

Additional Officials Present: Ed Dabrowski, IT Consultant (Contract); Larry Kondrat, Board of Waterworks Directors; Rex Burton, Board of Sanitary Commissioners; Commission; and Ron Jackowski and Richard Underkofler of the Tree Advisory Board were present.

General Substance of Matters Discussed.

1. **Discussion of Introduced Ordinance No. 1704, An Ordinance making amendments to the existing Tress Code Chapters.** The ordinance was first introduced at the meeting of August 26, 2019. Action on the ordinance as marked up was deferred at the meeting of September 9, 2019 to be taken up at this Study Session.

Richard Underkofler, Secretary to the Tree Advisory Board and Ron Jackowski, Tree Advisory Board member, reviewed with the Town Council and the Town Clerk-Treasurer the introduced amending ordinance to the Highland Municipal Code to fix the authority for preparing and approving a list the authorized tree species instead of having it fixed as a part of the code, then requiring action of the Town Council for any changes.

Mr. Underkofler engaged in a colloquy with the Town Clerk-Treasurer, the Building Commissioner and the Town Attorney regarding the proposed changes to Section 8.25.020 (B)(3) of the Municipal Code. These changes were modified to remove any reference to public or private property but instead to refer "to property that is located within the jurisdiction or corporate boundary of the municipality".

Further, Mr. Underkofler expressed concern about the introduced and modified language stating "The list of approved or prohibited species shall be made a part of the code and will inform the provisions for administration and enforcement executed under this chapter and Chapter 8.20 of the municipal code." Mr. Underkofler and Mr. Jackowski thought that this language would require the Town Council to continually act to amend the code whenever the tree species list would be changed by the Tree Board. Mr. Underkofler and Mr. Jackowski referenced a recent conference at which best practices were discussed for the management of urban tree plans that strongly suggested that any list not be formally included in the code.

It was noted that the authority to make the list was vested with the Tree Board. However, because there was some language in another part of the Municipal Code that gave the Public Works Director enforcement authority regarding the list, the language was to make the latest iteration of the list as approved by the Tree Board to be incorporated by reference to the code. It would make it enforceable and not require

Section 2. That Section 8.25.020 the Highland Municipal Code is hereby repealed in its entirety and is hereby amended with a new section to be numbered as Section 8.25.020, which shall read as follows:

8.25.020 Establishment.

(A) There is established a tree ~~advisory~~ board of the town of Highland (hereinafter the "board"). Its functions and duties are limited to those set forth in this chapter, and as may be assigned to it and set forth in any other enacted chapter of the Highland Municipal Code.

(B) Nothing in this chapter shall be construed as vesting legislative discretion or power in the board, **except as provided in Section 8.20.080 of the Highland Municipal Code, and as may be conferred herein.** The board shall:

- (1) Serve as the steward of Highland's Urban Forest Management Plan;
- (2) Serve as an advocacy and advisory group to become a catalyst for active urban forest resource management within the community;
- (3) **Create and periodically update a list of prohibited and approved tree species for ~~private and publicly owned~~ property that is located within the jurisdiction or the corporate boundary of the municipality. The list of approved or prohibited species shall be made a part of the this code and will inform the provisions for administration and enforcement executed under this chapter and Chapter 8.20 of the municipal code.**

(C) **The board shall review and transmit written comments as may be desirable and as may be authorized in Chapters 18.70 and 18.95 of the Highland Municipal Code.**

~~(D)~~ (D) In carrying out its purposes, the board will seek guidance from department heads, forestry consultants and contractors and use its own discretion and independent research to formulate recommendations to the town council for ~~annual~~ updates of the Urban Forest Management Plan.

Section 3. That this ordinance shall be effective from and after its passage and adoption, as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-10.2.

Introduced and Filed on the 26th day of August 2019. Consideration on the same day or at same meeting of introduction was not entertained pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this ____ day of _____ 2019, by the Town Council of the Town of Highland, Lake County, Indiana, having passed by a vote of ____ in favor and ____ opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Steve Wagner, **President (IC 36-5-2-10)**

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

2. **Companion Resolution Regarding added changes to the existing zoning code.** The Town Council, Mr. Underkofler and the Building Commissioner discussed the provisions in a companion resolution that would instruct the Plan Commission to begin a process regarding requested textual changes to the existing zoning code. This resolution was suggested to further perfect the language changes in the Tree Code, that would make desired changes to the text of the Zoning Code

A colloquy between Councilor Herak and Mr. Underkofler occurred regarding whether there would be any enforcement in private property outside of new development.

The discussion included a recognition that the existing zoning code has a prescribed tree species that Mr. Underkofler noted would not be on any current approved list of the Tree Board. The discussion include whether the Building Commissioner would

have authority to make the recommendations that would be made by the Tree Board to be binding on the process.

**Highland Town Council
Resolution No. 2019-XX**

A Resolution of the Town Council Recommending Partial Amendments to the Zoning Code and Referring these to the Plan Commission for its Consideration and Favor, pursuant to IC 36-7-4-602.

Whereas, The Town Council did review and revised its Municipal Code regarding the Tree Board, which informed and recommended to its discretion some changes that would be desirable to the existing Zoning Code, particularly Chapters 19.70 and 18.95;

Whereas, IC 36-7-4-607(b) provides that any proposal to partially amend the text of the zoning code that is initiated by the Town Council as the municipal legislative body, must be referred to the Plan commission for consideration and recommendation before any final action is taken by the Legislative body;

Whereas, The Town Council as legislative body has a proposal for desirable partial textual amendments to language in chapters 18.70 and 18.95, which are parts of the zoning ordinance of the Town, that it wishes to now refer to the Highland Municipal Plan Commission,

NOW THEREFORE BE IT RESOLVED by the Highland Town Council as the Municipal Legislative body as follows:

Section 1. That the Plan Commission consider and make a recommendation to the Town Council regarding the following as amendments to Chapter 18.70 Styled as Planned Unit Development Districts as follows:

(A) That the following language in Section 18.70.040 (C)(4) of the Highland Municipal Code be amended as follows:

**Chapter 18.70
PLANNED UNIT DEVELOPMENT DISTRICTS**

18.70.040 Application procedure.

(C) The planned unit development petition shall include a preliminary plan and plat for any area proposed for development. Twelve hard copies, or one digital copy each in PDF format and AutoCAD/ ArcGIS format, of said plan and plat shall be filed with the plan commission. The preliminary plan and plat shall include the following:

(4) A landscape plan, prepared by a registered landscape architect licensed to practice in the state of Indiana, showing approved and compliant landscape treatments as set forth in this title. This landscape plan shall also include details for tree preservation and removal, as required. **The tree preservation shall be reviewed by the Tree Board.**

(B) That the following language in Section 18.70.040 (D) of the Highland Municipal Code be amended as follows:

(D) The preliminary plan shall be presented to the plan commission with copies for each member thereof and additional file copies for a total of 12 copies drawn to a scale ratio not to exceed one inch equals 100 feet. The preliminary plan may include any additional graphics which will help to explain the features of the development. It shall also be provided to the following checkpoint agencies for their review and comment, **which shall be returned within a reasonable time:**

- (1) Department of public works, **which shall include distribution to the Department of Public Sanitation, the Waterworks Department, their relevant governing boards or commissions and the Tree Board.**
- (2) Police department.
- (3) Fire department.
- (4) Parks and recreation department.
- (5) **Redevelopment department**

Section 2. That the Plan Commission further consider and make a recommendation to the Town Council regarding the following as amendment to Chapter 18.95 Styled as Site Plan Review as follows:

(A) That the following new Section to be styled as Section 18.95.025 be added by amendment to Chapter 18.95 of the of the Highland Municipal Code as follows:

**Chapter 18.95
SITE PLAN REVIEW**

18.95.025 Review and consultation with Check point agencies.

In carrying out the purposes of this chapter, the following checkpoint agencies shall be consulted regarding the relevant components of review:

- (1) Department of public works, **which shall include the Department of Public Sanitation, the Waterworks Department, their relevant governing boards or commissions and the Tree Board.**
- (2) Police department.

- (3) Fire department.
- (4) Parks and recreation department.
- (5) **Redevelopment department**

Section 3. That pursuant to IC 36-7-4-607, upon receipt of this proposal, the Plan Commission shall within sixty (60) days hold a public hearing in accordance with IC 36-7-4-604, and that within ten (10) business days after the Plan Commission determines its recommendation if any shall certify the proposal to the Town Council for its consideration and action.

Section 4. That the Clerk-Treasurer shall transmit a fully executed resolution to the Plan Commission to evidence its adoption by the Town of Highland and for the Plan Commission's consideration.

DULY RESOLVED and ADOPTED this ___ Day of _____ 2019 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of ____ in favor and ____ opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Steven Wagner, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

3. ***Discussion regarding Changes to Proposed Timetable for the Preliminary Hearing and Adoption Hearings for the 2020 Budgets.*** The Town Clerk-Treasurer explained that the prior memorandum that had set a schedule for the timetable of the budget process as previously discussed set the preadoption hearings for Monday, September 30, a fifth Monday in September. The adoption hearing would be Monday, October 14, 2019, a standing plenary meeting date.

The Clerk-Treasurer explained that for that to work, a significant amount of data development would be required to be completed and made ready by Thursday, September 19 to meet the first online publication requirement. The Clerk-Treasurer explained that owing to some significant issues with the circuit breaker for 2020, the desired shortfall appeal and the current audit by the State Board of Accounts, that the previously *planned timetable* would be unduly difficult to execute. He further asked if the Town Council would not object to for the preadoption hearing to be scheduled for Monday, October 14 and the adoption hearing to take place on Monday, September 28. These are standing plenary meetings already scheduled.

There was no objection to such a change to the schedule and the clerk-treasurer thanked the Town Council. The schedule would be based upon this revision.

There being no further business necessary or desired to be discussed by the Town Council, the regular study session of the Town Council of **Monday, September 16, 2019**, was adjourned at 7:00 o'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer